

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Doug Proctor,)	Case No.: 8:21-cv-949-JD-KFM
)	
Plaintiff,)	
)	
vs.)	
)	OPINION & ORDER
Anderson County Treasurer Jason Phillips,)	
)	
Defendant.)	
)	

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Kevin F. McDonald (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ Doug Proctor (“Proctor” or “Plaintiff”), proceeding *pro se*, brought this action alleging violations of state law claims and his federal constitutional rights arising out of Proctor’s purchase of a tax sale item assignment, which Defendant Anderson County Treasurer Jason Phillips (“Defendant”) voided the next day. (DE 1-1.)

On April 7, 2021, Proctor filed a motion to remand to state court and purported to remove “any claim of U.S. Constitution issues from his pleadings.” (DE 9.) On the same day, Proctor also filed an amended complaint removing any reference to federal or Constitutional claims. (DE 7.) Defendant filed a response in opposition the motion to remand on April 21, 2021. (DE 12.) Defendant also filed an answer and motion to dismiss the amended complaint for failure to state a

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

claim. (DE 14, 15.) The Report and Recommendation was issued on April 28, 2021, recommending the case be remanded. (DE 19.)

Defendant did not file an objection to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Plaintiff’s motion to remand to state court is granted.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph Dawson, III". The signature is fluid and cursive, with the last name "Dawson" being more prominent.

Joseph Dawson, III
United States District Judge

Greenville, South Carolina
November 3, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.